

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By **CHAIRMAN DARYL TOEWS**, on February 3, 1999 at 3:15 P.M., in Room 402 Capitol.

ROLL CALL

Members Present:

Sen. Daryl Toews, Chairman (R)
Sen. Bill Glaser, Vice Chairman (R)
Sen. Jon Ellingson (D)
Sen. Alvin Ellis (R)
Sen. John Hertel (R)
Sen. Bob Keenan (R)
Sen. Debbie Shea (D)
Sen. Mike Sprague (R)
Sen. Spook Stang (D)
Sen. Mignon Waterman (D)
Sen. Jack Wells (R)

Members Excused: None.

Members Absent: None.

Staff Present: Eddye McClure, Legislative Branch
Janice Soft, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB299, 1/27/1999; SB 300,
1/27/1999; SB 309, 1/27/1999
Executive Action: None

HEARING ON SB 299

Sponsor: SEN. JOHN HERTEL, SD 47, Moore

990203EDS Sm1.wpd

SEN. ALVIN ELLIS asked if it would be acceptable to change the wording to make the meaning clearer -- replacing a bus and keeping a used one for a spare -- because it was his philosophy if there was money to be saved, it should be the taxpayer's and not the district's in a brand new bus sitting idle. **Lynda Brannon** said the intention was to enable purchasing another bus; however, if the language was changed as suggested, the district would still be able to only replace a bus and not expand the fleet.

SEN. ELLIS said it was his understanding the purpose of the bill was to enable school districts to keep an old bus as a spare and he could understand that; however, he couldn't understand using an old bus and keeping the new one as a spare. He said he felt that was a significant problem. **Ms. Brannon** said she couldn't imagine a school district putting the old bus on the road and keeping the new one in the garage.

Closing by Sponsor:

SEN. JOHN HERTEL reminded the Committee the bill didn't change the funding mechanism, i.e. the money had to be used for the purchase of a bus. As for **SEN. ELLIS'S** concern, he was sure if that happened, someone in the district would voice criticism of the school board. **SB 299** would allow the district to spend that money from the Bus Depreciation Reserve Fund to meet its need of an additional bus.

{Tape : 1; Side : A; Approx. Time Counter : 6.5}

HEARING ON SB 300

Sponsor: **SEN. JOHN HERTEL, SD 47, Moore**

Proponents: **Lynda Brannon, Montana Association of School
Business Officials
Don Waldron, Montana Rural Education Association**

Opponents: **None.**

Opening Statement by Sponsor:

SEN. JOHN HERTEL, SD 47, Moore, said **SB 300** changed the date a newly elected school trustee would assume office, from April to July 1. The election date would remain at the first Tuesday in April and the newly elected trustee would still report to the county superintendent within 15 days of the election to complete

the Oath of Office. He said Section 2 explained the board would organize its governing board after July 1 and at this meeting the presiding officer would be chosen (updated language from "chairman").

Proponents' Testimony:

Lynda Brannon, Montana Association of School Business Officials (MASBO), said they considered **SB 300** to be a matter of good business because when the newly elected trustees took office at the first meeting in April, they made decisions on things of which they had no background or information, i.e. hiring, budgeting, etc. Also, the Montana School Boards Association did training for new board members every year in late April or early May and this would allow new members to go through some training before they actually began making board decisions. She said the date change would also allow them to listen in on the April, May and June meetings so they would be aware of the business. She said many times in the April meeting, the board was in the middle of teacher negotiations and new board members were thrust into the middle of them by making decisions based on no previous information. **SB 300** would ensure the same board would be responsible for the entire fiscal year, which would include the annual budget report, audit report and trustees report. Also, hiring for the school would be done by the veteran board who had been there the entire employment year. The July 1 date would correspond with the date a non-operating district would join the appropriated joining district, which could include the changes in the number of board members. She urged the Committee to pass **SB 300**.

Don Waldron, Montana Rural Education Association (MREA), commented he supposed at least half the Committee had served on a school board so they knew what the bill was about. He said it was important new board members attended a couple meetings for background purposes before they took office. He expressed support for **SB 300**.

Opponents' Testimony: None.

Questions from Committee Members and Responses:

SEN. MIGNON WATERMAN said she was concerned about the "lame ducks" serving for three (3) more months and if the election was contentious, there was potential for poor decision-making by them. She wondered if her concern was seen as a problem. **Lynda Brannon** agreed it could be but didn't think it would be any worse than having brand new people coming in to make major decisions at their first meeting.

SEN. WATERMAN wondered why the election wasn't moved to June to coincide with the other June elections and then have the newly elected members take office July 1. **Ms. Brannon** said if CI-75 was declared Constitutional that was probably the way it would end up; however, at this point in time it was their intention that the people who were running for office be informed before they started making decisions.

{Tape : 1; Side : A; Approx. Time Counter : 13}

SEN. JACK WELLS commented SB 228 affected all elections due to CI-75 and the bill was currently being discussed at great length. He suggested waiting to take action on **SB 300** until it was known the outcome of SB 228.

Closing by Sponsor:

SEN. JOHN HERTEL said the time period from April to July would be a good orientation period for newly elected board members. He reminded the Committee the April board meeting offered major issues with decisions to be made on them.

HEARING ON SB 309

Sponsor: **SEN. JOHN BOHLINGER, SD 7, Billings**

Proponents: John Bedford, Police Officer, Billings
 Jeff Hanser, Billings Public Schools
 Kate Stetzner, Butte Schools
 David Morales, Truancy Officer, Billings
 James Kimmet, Superintendent of Schools, Billings
 Jani McCall, City of Billings & Yellowstone County
 Coalition
 Richard Meeker, First Judicial District

Opponents: Steve White, Montana Coalition of Home Educators
 Terrie Kenison, Private Citizen
 Mark Roedel, Private Citizen
 Laurie Koutnik, Christian Coalition

Informational: Allen Horsfall, Board of Crime Control
 Don Waldron, Montana Rural Education Association

Opening Statement by Sponsor:

SEN. JOHN BOHLINGER, SD 7, Billings, said in his town, nearly 10% of the kids who started school dropped out by the time they were 16 years old; these young people had no chance of succeeding in life without more education. He believed these young people were being set up for a life of disappointment and failure because they had neither employable skills nor knowledge base for making wise choices. He said a drop-out study done in 1994 by the U.S. Department of Education National Center for Educational Statistics indicated the troubles these kids had when they dropped out of school by showing that over 25% of the drop-outs were unemployed as compared to 4% of those who completed high school. Also, drop-outs tended to have children at younger ages, and if employed, they earned about 40% less than the average salary of someone who completed high school. He stated communities in which these drop-outs lived faced the associated costs, such as welfare, unemployment, subsidized housing and medical assistance. The most recent Montana study he was able to obtain was 1996-1997; it indicated during that time 2900+ students dropped out. The drop-out rate for seventh and eighth graders was .6% but for high schoolers it was 5.5%. He suggested the profile of a typical drop-out was a white male who dropped out of a large high school either his freshman or junior year and when it was discovered economic needs weren't met by a minimum wage job, many might tried to lift their spirits through alcohol, chemicals or drugs or supplement their income through crime. He argued those who might say the mandatory extra two years would drive up the cost of education should consider the other side of the equation -- the cost of incarceration, providing aid to families with dependent children and other social services.

SEN. BOHLINGER stated Montana's truancy laws hadn't been altered since the 1930's and he believed it was time for some changes. **SB 309** would require students to remain in school until they were 18 or had completed the 12th grade (explained in **Section 1, Subsections (a) & (b))**. **Section 2** explained the district's attendance policy and clearly stated it was the local district trustees who would set these policies and established the reasons why a child might be absent from school. **Section 3** defined truancy, **Section 4** described the duties of an attendance officer -- **Subsection 3** said an attendance officer may file information of a child who continued to be truant with the court and it didn't preclude concurrent prosecution of the child's parent, guardian or person responsible for the child's care. **Section 5** stated school districts may establish a truancy support center where the child or parent could receive counseling and be involved in community programs. The child would be tutored in an educational setting away from the classroom which would be staffed by certified teachers and aides. **Section 6** established the municipal truancy ordinance and allowed for the suspension of

the child's drivers license for not less than 30 days or more than 90 days. The child could also be ordered to participate in counseling, community service or supervised work program or remain at home during times he or she should be attending school; however, the child would be permitted to leave the home for the purposes of attending church or a place of worship. **Section 7** provided for penalties -- upon conviction of first offense, there were penalties for parents who allowed their children to be truant. The parents could face the courts and be subject to a fine of up to \$250, but not more than \$500, or be imprisoned in the county jail for not more than 10 days, or both.

SEN. BOHLINGER said his Rotary Club heard a presentation by David Morales which made them aware this problem was such a far-reaching one in his community that his entire Rotary Club decided to dedicate resources, time and money to help address the problem; in fact, it appeared this would be a project for the 36 Rotary Clubs in Montana.

{Tape : 1; Side : A; Approx. Time Counter : 23.3}

Proponents' Testimony:

John Bedford, Police Officer, Billings, read his written testimony **EXHIBIT**(eds27a01).

Jeff Hanser, Director of Truancy Center, Billings, said **SB 309** was a significant improvement in the current statute -- changing the legal ages of school attendance from 16 to 18 would help reduce the number of Montana children who chose to drop out of the school system. He said time and again he's forced to tell parents he could do nothing to help them keep their children in school because their child was over 16, an age when they were not mature enough to make this kind of decision. He affirmed Montana should join other states, including California, Washington, Oregon, Ohio, Oklahoma, Pennsylvania and several others, who were making school attendance compulsory until 18. The reasons for the changes were economic realities as well as governmental responsibilities. He said students who completed their high school education were more likely to become self-supporting, contributing community members than those who completed less than that. He suggested the statute changes in **SB 309** reaffirmed the importance Montana placed on education, explaining current statute offered no deterrent to the most hideous form of child abuse -- neglecting children's education which would doom them to a lifetime of illiteracy. The bill would allow law enforcement personnel and local courts an opportunity to level sanctions against parents and students which were appropriate and meaningful. He urged Committee support for **SB 309**.

Kate Stetzner, Superintendent of Schools, Butte, said she was a proponent of the penalties section of **SB 309**, explaining she had gone through three situations which involved their resource person and elementary children. She said they had gone through the whole process to get the parents fined (basically, they wanted to keep the kids in school) but they found a \$5 didn't do it. She said there was a huge amount of manpower spent going through the process to try to get parents to understand it was imperative young children be in school. She reiterated she was not in support of several other parts of the bill but was in favor of the proposed penalties because it was important to take another look at the those now being imposed.

David Morales, Truancy Officer, Billings, used **EXHIBIT (eds27a02)** as an outline for his testimony. He introduced his remarks by saying some people thought a truancy officer had an easy job because all he or she needed to do was catch the truant and drag him or her back to school; the reality was he dealt with molested, burnt and abandoned children. He stated he was sensitive to home schoolers as well as those in the agricultural community; but in his work he saw faces and bodies rather than numbers on a paper. He told the Committee the story of a family where the mother was a drunk and the children lived in filth and neglect -- the younger children were removed from the home but the oldest could not be placed because of her age -- she was groomed to become a prostitute. At that time she was 16 and could not be touched for truancy -- all they could do was encourage her to seek help. He said last year his partner and he investigated almost 800 individual hard core cases, which were the ones they could get to. He said Child Protective Services were turned to but the reality was it was a budget game; it wasn't about children.

Mr. Morales said one of the problems was the influx from the Reservations who were looking for answers and things to do. They drove past most of them because they were over 16 years old; however, the predators on the street didn't. He said **SB 309** wasn't about interfering with rights but about protecting our children. The only homicide in Billings last year was committed by three (3) drop-outs and was not a haphazard prank that went wrong, but the result of years of laying out the details -- from early on they were truant an average of 41 days per school year and learned how to get the guns, drugs, break into houses, etc.

He summed up by saying we as Christians were called to love our neighbor as ourselves -- we had rights but when parents gave up on their children there needed to be intervention which needed to start at a very early age. The parents needed to be accountable

and the children gotten into the right "rut" before they became tragedies. He urged the Committee's favorable consideration.

{Tape : 1; Side : B; Approx. Time Counter : 0}

James Kimmet, Superintendent of Schools, Billings, said **SB 309** was about kids getting an education and provided recognition that: Education was needed to be productive in our country; it was the parents' duty to encourage and command it of their kids; communities must work together to see that their young people were educated; and a high school education was the minimum acceptable by our society. **SB 309** updated the laws surrounding student attendance, enabled parents to help give their kids an education and sent a message that an eighth-grade education which may have been adequate in 1883 was no longer enough. He said 18 other states required more education of their kids than Montana and 80% of inmates nation-wide were school drop-outs. The bill would enable schools to work with kids in difficulty as well as track them down. He addressed the idea these kids shouldn't be in school because they were too hard to educate and said schools wanted them involved in an educational process of some type and the bill allowed for that. The next issue he talked about was the notion the kids would learn the error of their ways and return after awhile. His response was it was far more costly to educate adults through adult education programs to make up for the education they should have had as kids. Another issue he talked about was when kids knew the drop-out age was 16, they often mentally dropped out much earlier -- if the age were raised, they might not mentally drop out so soon. He said where kids went to school was not the focus of the bill; rather, it provided options and didn't interfere with any alternative forms of education, except one -- the right to select no education at all. He urged support of **SB 309**.

Jani McCall, City of Billings & Yellowstone County Coalition, said they believed this was a good bill and referred to several parts. She said one of the major priorities of the Youth Justice Council was restorative justice which was a concept and reality in states across the nation. It brought accountability and restitution to youth who were involved in these kinds of activities -- education, training and treatment were a part of that to encourage families to grow and mature in a healthy way. In addition, restorative justice was about collaboration at the community level -- what Billings was doing was a good example. She said they just discovered there was a slight conflict with the bill in terms of the Youth Court Act -- the grant funding would be affected; however, it was being worked on as she spoke. It was **Ms. McCall's** philosophy the compulsory age of 18 was the

right thing to do; however, the juvenile system was already overloaded so this bill was basically an unfunded mandate.

Richard Meeker, First Judicial District, Helena, said Helena had used money from a federal grant as well as money from the Department of Corrections to implement a program through the police department, sheriff's department and Helena schools for truant officers to place kids who were truant. Currently, it was a functional program; however, last fiscal year 191 youth, ages 16-17, dropped out of the Helena schools. He was concerned if the Juvenile Justice System had to get involved with just 5% of those kids and significant resources had to be invested in them, it would deplete the resources they had right now to deal with kids who were committing serious offenses. He urged the Committee to consider providing the resources if it passed **SB 309**.

{Tape : 1; Side : B; Approx. Time Counter : 7.2}

Opponents' Testimony:

Steve White, Montana Coalition of Home Educators, read his written testimony **EXHIBIT(eds27a03)** and referred to **EXHIBIT(eds27a04)**, **EXHIBIT(eds27a05)** and **EXHIBIT(eds27a06)**.

Terri Kenison, Private Citizen, said she opposed **SB 309** because it would create a hardship for families educating their kids at home. She said current law allowed students to take the GED at the age of 16 which worked quite well for those who were interested in pursuing education either through college or the apprentice program; she had two nieces who were able to take some college classes at the age of 16. If the mandatory age was raised to 18 and the grade to 12, it would put a damper on their motivation. She said in comparison to the other 49 states, Montana had one of the lowest drop-out rates; raising the age to 18 would not improve the drop-out rate.

Linda Friend, Private Citizen, Helena, read her written testimony **EXHIBIT(eds27a07)**.

{Tape : 1; Side : B; Approx. Time Counter : 17.8}

Mark Roedel, Private Citizen, Kalispell, read his written testimony **EXHIBIT(eds27a08)**.

Laurie Koutnik, Christian Coalition, said she opposed the bill because of several concerns. She said she was no stranger to juvenile delinquency because she and her husband had foster children for the state of Montana over a period of about 15

years, and worked in an after-care group home for 4.5 years. She said one of her home's requirements was the youth be involved in an educational program -- she was a firm believer in education. If the age of 18 was magic she'd support **SB 309**; however, she knew from experience there was no magic age where kids kicked in and decided to do something productive. If they were resistant at ages 14, 16 or 13, they'd probably be just as resistant at age 18. She stated her concerns had already been expressed by some proponents and she felt the bill had been crafted around the Billings concerns and the rest of the state should be considered. She said the majority of our state was a rural setting and rural communities which didn't have the educational opportunities that some of the cities had. She suggested private or home school children who arrived at graduation before age 18, as well as Hutterite colonies should be considered. The colonies started their formal education at age 7.5 and were finished by age 16 but in addition to their formal education they also had a trade.

She suggested the bill could be a MEA jobs security bill or perhaps an overloading probation officers bill -- she urged the Committee to look at the ramifications of cost. **Ms. Koutnik** referred back to the MEA jobs security issue and said when she was a college student, it was possible to finish in four (4) years; however, today finishing in (5) years was almost the standard -- more teachers were employed for longer periods of time. She suggested this sort of thing could happen with the proposal in **SB 309** -- additional ANB money for students for two more years. Schools today became somewhat social service agencies and some believed schools should be the distributors of all kinds of teaching "political correctness" but parents no longer had to worry because teachers would conduct eye, dental, psychological, etc., exams, would feed them breakfast and lunch, would care for them before and after school. She urged the Committee to think about those ramifications because the children mandated to be in school until age 18 were usually the ones who qualified for free lunch, additional costs in programs, such as Title 1, learning disabilities, etc.

Ms. Koutnik said the bill was somewhat of a government expansion to take care of the children. She thought of past sessions when there were bills to lower the mandatory age because if the kids were disruptive and didn't want to be there, schools shouldn't have to deal with them; to remove the compulsory education altogether because that should be a parental decision. She stated now the Committee was hearing a bill that wanted to raise the age to 18 and its effects on all the laws and lives in Montana had to be considered. She was of the opinion those who were the problem were being weighed in on; however, she stressed she wasn't opposed to helping problem children but basically what

was happening was discrimination against the good kids and parents. She also stated the problem was being whitewashed as everybody's concern but she didn't think it was; perhaps it would be prudent to return to Juvenile Justice to engage these kids, rather than try an education solution. She recommended the Committee not pass **SB 309**.

Steve Lloyd, Private Citizen, submitted his written testimony but was not present to give it **EXHIBIT (eds27a09)**.

{Tape : 1; Side : B; Approx. Time Counter : 29.8}

Informational Testimony:

Allen Horsfall, Board of Crime Control, said Section 6 would be in some conflict with the existing Youth Court Act under Sections 2 and 3 where municipality or government may impose the county jail option for up to 10 days or commensurate fine. He urged the Committee to look at 41-5-341, 41-5-349, 41-5-206 and other pieces of the Montana Youth Court Act to see how those pieces conflicted with **SB 309**. He said he felt he needed to alert them to the federal money tied to some of the Youth Court Act -- Prevention - \$100,000; Challenge - \$87,500; Accountability - \$1,722,000; Justice - \$556,000. He said they were required to file a compliance and monitoring report yearly with the federal government. He said the federal juvenile justice funds were tied to that report and they couldn't show they were detaining youth in adult jails unless specific circumstances were already authorized by the Youth Court Act.

Don Waldron, Montana Rural Education Association, said the rural schools had only about half the problem; however, they agreed with about of 90% of the bill and disagreed with about 60% of the opposition. They weren't here to take sides because it was a competition for dollars and until there was a fiscal note, they felt the bill should not really be fully considered. He suggested when that was fully settled, they would like to return with written testimony.

{Tape : 1; Side : B; Approx. Time Counter : 38.4}

Questions from Committee Members and Responses:

SEN. BOB KEENAN referred to Section 3, Lines 7-8, and asked if the definition of "truancy" would mean if a student were late, he or she would be truant. **SEN. JOHN BOHLINGER** said he didn't think his district or other districts would interpret a kid being late as truant; he would be truant if he didn't show up.

SEN. KEENAN asked how many districts had attendance officers and wondered if it would be a requirement for each county or district to have one. **SEN. BOHLINGER** referred to Section 2, Subsection 3 and said the requirement for an attendance officer was optional, something on which each school district would have to decide.

SEN. KEENAN referred to Page 3, Line 1, and asked about the definition of "conditions."

{Tape : 2; Side : A; Approx. Time Counter : 0}

SEN. BOHLINGER said he thought "conditions" would be interpreted if they met certain academic requirements established by the district.

SEN. ALVIN ELLIS said he knew the Billings school district was having trouble hiring enough teachers and keeping enough classrooms going because of the budgetary caps. They also were one of the schools who sued the state when budget caps were instituted. He said it was his opinion this problem was largely a big school problem -- in his Senate district he wasn't sure it existed anywhere else besides in a limited way in Red Lodge. He asked if schools were the best place to imprison the children who were having trouble even before the age of 16. **SEN. BOHLINGER** said **David Morales** spoke of parents who were delinquent and had no parenting skills and under present law, were better keepers of their dogs than they were of their kids. He said somewhere society had to get its arms around this problem and he felt the public schools provided an opportunity to learn academic skills as well as social skills, respect for each other, etc.

SEN. ELLIS said it seemed for the past 30 years, government instituted increasing programs to try to address the problem of a disintegrating culture. It seemed, with very few exceptions, those programs hadn't proven fruitful -- a society was built where there was an increased number of people who had no respect for others or for themselves. It was his opinion **SB 309** didn't address the problem; it was just another band-aid. **SEN.**

BOHLINGER said unless this country became a people of faith who lived it out, the moral decline would continue; however, that was beyond the scope and intent of the bill. It was his opinion the bill would stop some of the bleeding that was occurring in communities. He asked what happened to a 16-year-old on the street and who had no employable skills -- he would find a life of frustration and anger and would deal with it in ways for which society would have to pay. He said it was his belief that keeping a kid in school was a wise investment.

SEN. JACK WELLS said some thought families should impart morals and values; besides, he didn't see the school as being able to do this because they were prohibited from using things that were the basis for moral living. **John Bedford** said he felt they were dealing mainly with parents who weren't imparting those values -- if a child was not getting those values at school or at home, he or she would pick them up on the street. He asked if it might not be possible that contact with another child or parent who had those values might change them or lead them to Christ, i.e there were opportunities to touch those kids in other ways.

{Tape : 2; Side : A; Approx. Time Counter : 8.5}

SEN. WELLS said much of what was heard today was addressing discipline and control and parents who were not doing a good job of parenting. He suggested approaching the problem through another avenue of the law, rather than all the children and all the good parents so some of the bad ones could be reined in; when in fact, most would continue to violate the law anyway. **SEN. BOHLINGER** said he didn't know what other ways might be available. The penalty section referred to sanctions applied to parents, rather than the kids.

SEN. WELLS suggested developing a new bill centered around the penalty section and applying it to current law -- put harsh penalties on the parents and get them straightened out early because after the kid had reached the age of 16, if he or she wasn't going the right direction, there probably wouldn't be a change. **SEN. BOHLINGER** replied it was more complex than that because the delinquent parent would be dealt with but the kid would still be on the street. He felt the provisions of the bill were necessary because the kids could be put on some sort of educational track to teach life skills and help them make good life decisions and how to live them out.

SEN. MIGNON WATERMAN asked if Section 6 applied to the parents and **Eddye McClure** said Section 20-5-106 talked about the person responsible for the care of the child, which appeared to be the parent; however, sections 3 or section 5 seemed to deal with the child, so there appeared to be a mix.

SEN. MIKE SPRAGUE asked why age 18, instead of age 17, was chosen. **SEN. BOHLINGER** said he felt at 18, a person reached a little higher level of maturity than at 16 or 17 and the opportunity to be in a learning environment for two (2) more years would better equip the person to beat the challenges of life.

SEN. SPRAGUE commented 17-year-olds could quit school and enter the military; however, according to **SB 309** that would be a violation of ordinance (quitting school before age 18). He explained that child would then be a truant who hadn't been adjudicated up until then but who would now be, which would then keep him or her from ever joining the military because there would be a record. **SEN. BOHLINGER** said he didn't think it was possible today to join the military without a high school diploma.

SEN. SPRAGUE commented "confiscation" as opposed to "suspension" of drivers licenses would be a better word because "suspension" would mark that person for life. He explained in certain types of jobs, when the application asked if the drivers license had ever been suspended, the answer would have to be "yes" and that would probably keep the person from being considered for the job. He further said "confiscation" didn't go on a person's record nor did it stick with him or her for the rest of that person's life.

SEN. BOHLINGER thanked him for pointing that out and said he would gladly accept an amendment in that regard. He said the intent was to get the kid's attention and nothing did it quite like withdrawing driving privileges.

{Tape : 2; Side : A; Approx. Time Counter : 17.9}

SEN. SPRAGUE asked if present law didn't allow a truant officer to confiscate a drivers license. **David Morales** said it had to be done through the Youth Court system and at this point that system been completely uncooperative.

SEN. SPRAGUE asked if current statute allowed the truant officer to bring the parents to bear as well, i.e. fines, incarceration, etc.; if it wasn't working now because of shortage of money, manpower, etc., how would **SB 309** do more. **David Morales** said current statute put the fine at not less than \$5 but not more than \$20 with the posting of a \$100 surety bond. The judges in Billings interpreted the details and legality of the \$100 surety bond as being so vague they'd stopped issuing it. The citations they'd been issuing were based on the \$20 fine.

SEN. SPRAGUE questioned whether the full intent of current statute was being used -- he wondered whether the judges were not implementing it, the current law was too vague, or what. **Mr. Morales** said current law was too vague and a person could not be thrown in jail based on truancy but only on the failure to make the \$20 payment.

Closing by Sponsor:

SEN. JOHN BOHLINGER expressed appreciation to the Committee for its thorough questions because it showed the members were serious about their job as Montana lawmakers. He referred to the alleged conflicts with the Youth Court Act and said it was not the bill's intent to throw the kids in jail but to bring the parents to the court system. He said if indeed there was a conflict in the language, he would favor an amendment to make the corrections. He was of the opinion the concerns of the home schools were covered by the bill's language in Section 1, Subsection 2. He said the bill was talking about the young people who were truant and on the streets finding drugs and crime. This legislation would give an opportunity to correct the problem before it became a greater problem. Though there were costs associated with **SB 309** in the form of ANB, the greater costs of imprisonment (\$30,000 per year), AFDC (Aid to Families with Dependent Children), food stamps and other social services had to be considered.

ADJOURNMENT

Adjournment: 5:15 P.M.

SEN. DARYL TOEWS, Chairman

JANICE SOFT, Secretary

DT/JS

EXHIBIT (eds27aad)